

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 JAMES A. BATTLE, JR., )

10 Plaintiff, )

11 v. )

12 DEBRA HOLLY, *et al.*, )

13 Defendants. )

CASE NO. C08-0642-RAJ

ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS AMENDED  
COMPLAINT AND DISMISSING  
ACTION WITHOUT PREJUDICE

14  
15 The Court, having reviewed plaintiff's amended civil rights complaint, defendant Holly's  
16 motion to dismiss, plaintiff's responses thereto, the Report and Recommendation of the Honorable  
17 James P. Donohue, United States Magistrate Judge, Plaintiff's objections thereto, and the remaining  
18 record, does hereby find and ORDER:

19 (1) The Court adopts the Report and Recommendation.

20 (2) Defendant Holly's motion to dismiss (Dkt. No. 26) is GRANTED.

21 (3) Plaintiff's amended complaint and this action are DISMISSED without prejudice.

22 //


23 //

24  
25 ORDER GRANTING DEFENDANT'S  
26 MOTION TO DISMISS AMENDED  
COMPLAINT - 1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

(4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendant,  
and to the Honorable James P. Donohue.

DATED this 13<sup>th</sup> day of April, 2009.

  
The Honorable Richard A. Jones  
United States District Judge